

REMARKS

Claims 1 and 9 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 5,900,613 to Koziol et al. (Koziol). Claims 1-16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,965,863 to Parker et al. (Parker).

Further, the Oath and Declaration have been objected to. Applicants have sent for signature a new Oath and Declaration which is being executed by the inventors, and which will be filed upon receipt. Applicants therefor respectfully request that the matter of the informality in relation to the Oath and Declaration be held in abeyance until the time that the substantive matters of the present application are decided.

Regarding the obviousness type double patenting rejection over Koziol, applicants herein attach a terminal disclaimer to overcome the rejection over Koziol. In view of applicants filing of a terminal disclaimer, it is respectfully requested that the rejection over Koziol be withdrawn.

Regarding the rejections under 35 U.S.C. § 102 (e) over Parker, applicants point out that Parker is a parent application of the present application. More specifically, the present application is a continuation-in-part of Parker. The Examiner's attention is drawn to page 1, lines 5-10 of the present application: "The present application is a continuation-in-part of U.S. Patent Application Serial No. 08/839,020 filed April 23, 1997, which, in turn, is a continuation-in-part of U.S. Patent Application Serial No. 08/697,913, filed September 3, 1996, which issued as U.S. Patent No. 5,900,613." U.S. Serial No. 08/832,020 (instead of U.S. Serial No. 08/839,920 (Parker)), which is an application unrelated to and not owned by the assignee of the present application, is currently erroneously listed as the parent application of the present application in the filing receipt of the present application. Applicants have separately filed the appropriate paperwork with the Assistant Commissioner for Patents, Office of Initial Patent Examination, Customer Service Center of the USPTO to rectify the error of the filing receipt.

In view of the above, given that the present application claims priority of Parker, it is believed the rejections over Parker under 35 U.S.C. § 102(e) are

overcome. In asserting that claims 1-16 are anticipated by Parker, it would appear that the Examiner has indicated that he believes that the claimed subject matter of claims 1-16 is fully supported by certain subject matter of the specification of the April 23, 1997 application Serial No. 08/839,920 to Parker, which certain subject matter is in common with the subject matter of the present application, and which subject matter is the subject of a priority claim by applicants. While the requirements of a reference to anticipate a claim are slightly different than the written description requirements of a specification to support a claim, the requirements are similar. If the Examiner wishes to sustain his rejection under 35 U.S.C. § 102(e) over Parker, he is respectfully requested to point out the specific reasons why he believes Parker anticipates claims 1-16, and yet, at the same time, does not provide adequate support for the claimed invention under the written description requirements (35 U.S.C. § 112) of a patent specification.

Attention is drawn to the fact that applicants have changed the term "remote processor" in their claims to "nonintegrated processor." This change should not be seen as a further limiting of the claims since the term "nonintegrated" is at least as broad if not broader than the term "remote." This change clarifies and better sets forth the invention as the change avoids the interpretation that the claim language refers only to "remote processor 950" as discussed at page 54, and Fig. 9. At page 54, "remote processor" is understood to refer to a processor which may be offsite relative to a reader 10, and in communication with reader 10 through e.g. a local host processor 900 or in communication with reader 10 directly, for facilitating the same types of data transfers between processor 950 and reader 10, as specifically described between processor 900 and reader 10. In the majority of the embodiments described in the specification, especially at pages 54-70, communications to which the claimed subject matter relates are described as between nonintegrated local host processor 900 and reader 10 and not as between nonintegrated remote host processor 950 and reader 10. Therefore the change in terminology to "nonintegrated processor" from "remote processor" brings the claims into fuller compliance with the subject matter of the specification.

In order to clearly set forth additional aspects of the invention, applicants have added new claims 17-64. New claims 17-64 are believed to be allowable at

least for the reason that they depend from an allowable base claim.

Accordingly, in view of the above amendments and remarks, Applicants believe all of the claims of the present application to be in condition for allowance and respectfully requests reconsideration and passage to allowance of the application

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

By: George S Blasiak
George S. Blasiak
Reg. No. 37,283

GSB:ts

Customer No.:



20874

PATENT TRADEMARK OFFICE

Telephone: (315) 425-9000

Facsimile: (315) 425-9114



VERSION WITH MARKINGS TO SHOW CHANGES MADE."

In the Specification:

[The invention relates to an] An optical reading system comprising an optical reader and a host processor. In one aspect of the invention, the host processor may be configured to transmit a component control instruction in response to a user input command input by a user of the host processor to remotely control the reader. The optical reader subsequently receives the transmitted component control instruction and executes the component control instruction substantially on receipt thereof. In one embodiment, execution of the component control instruction by the optical reader has the same effect as the reader trigger being manually pulled by a reader operator.

In the Claims:

Please amend claim 1 as follows:

- 1 1. (Amended) An optical reader comprising:
2 an imaging assembly;
3 a processor in communication with said imaging assembly; and
4 a memory in communication with said processor having an operating
5 program stored thereon for controlling operation of said optical reader, said optical
6 reader being adapted to receive a component control instruction from a
7 [remote]nonintegrated processor, and further being adapted to execute said
8 component control instruction from said [remote]nonintegrated processor.

- 1 7. (Amended) The optical reader of claim 1, wherein said memory stores at
2 least one frame of image data, and wherein execution of said component control
3 instruction results in said at least one frame of image data being uploaded to a
4 [remote]nonintegrated processor.

Claim 9 has been amended as follows:

- 1 9. (Amended) An optical reader system comprising:

2 a portable optical reader having an imaging assembly, a reader processor in
3 communication with said imaging assembly, and a reader memory in
4 communication with said reader processor, said optical reader being adapted to
5 receive a component control instruction from a nonintegrated processor; and

6 [a]said [remote]nonintegrated processor adapted to transmit a component
7 control instruction in response to a user input command to control said optical
8 reader;

9 said optical reader being programmed so that said reader processor executes
10 said component control instruction substantially on receipt of said component
11 control instruction from said [remote]nonintegrated processor.

Claim 15 has been amended as follows:

1 15. (Amended) The optical reader system of claim 9, wherein said reader
2 memory stores at least one frame of image data, and wherein execution of said
3 component control instruction results in said at least one frame of image data being
4 uploaded to said [remote]nonintegrated processor.